

- GOVERNMENT SERVANTS REGULATION OF TRANSFERS AND PREVENTION OF DELAY IN DISCHARGE OF OFFICIAL DUTIES

(Fourteen word name)

- ACT, 21 of 2006

- Also known as

- Transfers, Charters and Delays Act

- दफ्तरी दिरंगाई

- shailesh gandhi

# Section 4- Transfers

- Section 4 specifies that the tenure of Government servants will be three years and transfers will normally be made only in April and May of each year. If an officer has to be transferred for special reasons in less than his tenure reasons have to be recorded in writing.

# Citizens Charter

- Section 8 Every office or department must publish Citizens charter within six months of the Act.
- Section 2 (a) states: “Citizens Charter” means a list of facilities or services rendered by the office or Department, together with the time limit for providing such facility or services to the general public;
- This should be updated in May each year with inputs from public.

## Section 10

- 10. Disciplinary action. - (1) Every Government servant shall be bound to discharge his official duties and the official work assigned or pertaining to him most diligently and as expeditiously as feasible:
- Provided that, normally no file shall remain pending with any Government servant in the Department or office for more than seven working days:
- Provided also that, in respect of the files not required to be referred to any other Department, the concerned Department shall take the decision and necessary action in the matter within forty-five days and in respect of files required to be referred to any other Department, decision and necessary action shall be taken within three months

## Section 10

- (2) Any wilful or intentional delay or negligence in the discharge of official duties or in carrying out the official work assigned or pertaining to such Government servant shall amount to dereliction of official duties and shall make such Government servant liable for appropriate disciplinary action.
- (3) The concerned competent authority on noticing or being brought to its notice any such dereliction of duties on the part of any Government servant, after satisfying itself about such dereliction on the part of such Government servant shall take appropriate disciplinary action against such defaulting Government servant under the relevant disciplinary rules including taking entry relating to such dereliction of duty in the Annual Confidential Report of such Government servant.

# All applications/complaints/representations are files

- Section 10: No file should remain with any officer for more than 7 working days (about 10 calendar days).
- For all files which do not require reference to any other department, decision and necessary action should be taken within 45 days.
- If files have to be referred to another department, decision and necessary action to be taken within three months.
- If there is a delay and it is brought to the attention of the head of department he must initiate a preliminary enquiry and order disciplinary action if required.

- Rule 3 (6) “The concerned Head of Office, Department on noticing or being brought to his notice any dereliction in providing service and facilities will hold and complete the preliminary enquiry within fifteen working days. If it is found that the concerned officer or employee has shown habitual or wilful or intentional delay or negligence in discharge of official duty, the recommendation of Departmental -Enquiry shall be forwarded to the Competent Authority. The Competent Authority shall issue order of departmental enquiry as per the relevant Rules,”
- When a delay which violates these timelines is brought to the notice of the competent authority he must carry out a preliminary enquiry within 15 working days (about 20 days) .

## For Municipal Corporations

- Act 21 of 2006 does not apply to the Municipal Corporation
- but
- Section 64C of Mumbai Municipal Corporation Act has provisions similar to Section 10 of the Act 21 of 2006.

For other Municipal Corporations in Maharashtra State:  
Section 72 C of The Maharashtra Municipal Corporations Act



# Action for Citizens For Charity Commissioner

- If a complaint/representation/ application has not been responded to for 45/ 90 days send a letter to the Charity Commissioner along the following lines:
- “ I had given my application for..... on ..... (copy enclosed). Since then I have received no communication. I would like to draw your attention to Section 10 of the Transfers Charters and Delays Act 21 of 2006 which mandates that no decision can be kept pending for over 45/90 days. In the instant case, no decision has been communicated to me despite the lapse of..... days. I request you to conduct a preliminary enquiry within 15 days to fix responsibility on the officers responsible for this delay and take appropriate disciplinary action against them. I request that the report of the enquiry may please be sent to me.
- I look forward to your early action in the above matter,”.
- We shall call it complaint under Section 10 of Act 21 of 2006

# Action for Citizens For Mumbai Municipal Corporation

- If a complaint/representation/ application has not been responded to for 90 days send a letter to the Municipal Commissioner along the following lines:
- “ I had given my application for..... on ..... (copy enclosed). Since then I have received no communication. I would like to draw your attention to Section 64C of the Mumbai Municipal Corporation Act which mandates that no decision can be kept pending for over 90 days. In the instant case, no decision has been communicated to me despite the lapse of..... days. I request you to conduct a preliminary enquiry within 15 days to fix responsibility on the officers responsible for this delay and take appropriate disciplinary action against them. I request that the report of the enquiry may please be sent to me.
- I look forward to your early action in the above matter,”.
- WE shall call this complaint under Section 64C of the MMC Act

# To get action or implementation of order

- I refer to the encroachment in front of the main gate of Metro Unity Housing Society at SV Road, near BMC Market, Andheri (W). This has been brought to the notice of BMC officers at various times and appropriate orders have also been passed, This certainly reflects 'willful and intentional delay and negligence in discharge of official duties' and amounts to dereliction of duty and invites disciplinary action as mentioned in Section 64 C (2).
- I am bringing this to your notice and expect you would take action for dereliction of duty by the concerned officer. As per Section 64 C (3) you are duty bound to take disciplinary action against the recalcitrant officer and consider making an adverse entry into his Annual confidential report.
- I request you to send me the action taken on this letter and to ensure that the requisite action is taken promptly. Thanking you

# EXAMPLE

- Example: Application for water connection, repair permission, change of address, complaint of unauthorised construction, pension, for over 90 days could be dealt with by sending a letter to the Secretary of the department/ Municipal Commissioner:
- “ I had given my application for..... on ..... (copy enclosed). Since then I have received no communication. I would like to draw your attention to *Section 10 of the Transfers ,Charters and Delays Act 21 of 2006* which mandates that no decision can be kept pending for over 45/90 days. In the instant case, no decision has been communicated to me despite the lapse of..... days. I request you to conduct a preliminary enquiry within 15 days as per rule 3 (6) to fix responsibility on the officers responsible for this delay and take appropriate disciplinary action against them. I request that the report of the enquiry may please be sent to me.
- I look forward to your early action in the above matter,”
- *64C of the Mumbai Municipal Corporation Act*
- *Section 72 C of The Maharashtra Municipal Corporations Act*
- *Register your experience on the website so that we have adequate data and proof is necessary.*

## How we can 'persuade' Maharashtra Government

- Make the Government Work for You: Use Act 21 of 2006.
- If a application/complaint/representation has been given and
  - NO RESPONSE
- Has been obtained, file a complaint under one of these to the Secretary/Commissioner under Section:
  - Section 10 of Act 21 of 2006 for Maharashtra Government
  - Section 64C of Mumbai Municipal Corporation Act
  - Section 72 C of The Maharashtra Municipal Corporations Act
- If you get, or do not get a response within 60 days please inform us by email.

# You Can make this Act Work Government must respond to citizens

- If you want your Government to work.

**YOU**

will have to act.

Act 21 of 2006 could be as powerful a tool for  
citizen empowerment as RTI.